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UNCLAS SECTION 01 OF 03 TEGUCIGALPA 000826

SIPDIS

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STATE FOR WHA/PPC, WHA/CEN, INL/LP, DS, AND CA

E.O. 12958: N/A

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SUBJECT: Stop Illegal Aliens Before They Reach The  
Homeland: Fund Latin American Repatriations of Third Country  
Nationals

1. This is an action request. Please see para. 13.

2. Summary: Post believes reinstating funding for the U.S. Department of Homeland Security's (DHS) Immigration and Customs Enforcement's (ICE) Program for the Return of Third Country National (TCN) Migrants Intercepted in the Latin America & Caribbean Region (Project 057) is critical to U.S. homeland security goals. It would demonstrate that the U.S. is a responsive and credible partner in the regional effort against alien smuggling and terrorism. It would also have the added benefit of muting a growing chorus of Central American concerns that the U.S. is not assisting its regional allies in our combined efforts against alien smuggling, trafficking in persons, special interest aliens, and potential terrorist infiltration routes through the region. Funding for Project 057 expired at the end of FY04. DHS/ICE cited budget constraints and questioned the value of the program. While Post was not involved in any evaluation of the program, we believe the decision to end this program needs to be re-evaluated due to its demonstrable negative impact on our regional allies' ability to assist us in an area of growing importance to the global war on terrorism in the Western Hemisphere. End Summary.

Why Project 057 Advances U.S. National Interests  
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3. By applying U.S. resources to our regional allies' efforts to fight a common problem, Project 057 strengthened collaboration against alien smugglers and traffickers throughout the Western Hemisphere. Repatriation costs of intercepted TCNs en route to the United States represent a daunting and very significant financial challenge to resource-strapped host country migration services. Such costs act as a disincentive to vigorous interdiction actions against smuggling/trafficking operations and document falsification organizations. Without resources, local immigration services resort to less effective control measures, such as dumping TCNs at the nearest border, which fail to address the problem of illegal migration and trafficking in persons, and often place the welfare of migrants in peril.

4. Without U.S. funding, our migration law enforcement counterparts point out that the U.S. is, in effect, cost-shifting an unfunded mandate to impoverished immigration services. These under-funded migration law enforcement services already cannot effectively do what is needed to disrupt international criminal smuggling organizations. Project 057 demonstrated to our regional partners that the U.S. understood (1) that alien smuggling is big business and (2) that corruption is rife within local immigration services. Project 057 was a tangible sign of U.S. support to honest migration law enforcement officials' efforts to overcome a culture of indifference and corruption. Without Project 057, the organized criminal syndicates will outbid underfunded (our interlocutors would say "unfunded") law enforcement interdiction efforts every time.

How Project 057 Works  
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5. Project 057 is designed to:  
-- Deter and disrupt alien smuggling/trafficking and illegal migration activity in the Western Hemisphere by providing support to governments in the region that are seriously combating alien smuggling/trafficking and transmigration of undocumented or fraudulently documented migrants through their national territories;  
-- Reduce the risk of abuse or other violations of the basic rights of the migrant by traffickers/smugglers through a timely return of the intercepted migrant to his/her country of origin or last habitual residence;  
-- Strengthen host country cooperation with the U.S. in detecting and dismantling alien smuggling/trafficking organizations by disrupting these operations (including the activities of traffickers and smugglers, fraudulent document lithographers and vendors) and by prosecuting principals in the U.S. or outside the U.S.;

-- Avoid expensive incarceration and legal costs for the U.S. when trafficked/smuggled migrants are detected and apprehended at our borders or in the interior of the United States; and  
-- Prevent potential criminal activity and the associated costs of that criminal activity inside the United States.

So What? Why Bother?

16. Project 057 resources facilitate acquisition of intelligence information regarding alien smuggling organizations and traffickers that can be extremely valuable to anti-alien smuggling/trafficking initiatives, especially those efforts related to gathering information about special interest aliens, outside and within the U.S. Several known alien smugglers have been identified in joint U.S.-Central American investigations, leading to the disruption of significant illegal alien smuggling networks. Such information acquisition and cooperation should be the foundation of U.S. efforts to prevent possible infiltration of the homeland by terrorist organizations seeking to move their members into the U.S through these networks.

17. By assisting transit countries in returning interdicted TCNs, Project 057 funds work to reduce the attractiveness of those countries to traffickers/smugglers and migrants as transit or staging venues. Project 057 funds reduce the risk of dangerous "border dumping," (the practice of cross-border return of extra-regional migrants). TCNs border-dumped in Central America have suffered only a minor inconvenience in their northward journey and are highly likely to continue their illegal journey to the U.S.

18. Project 057 funds allow resource-starved host country migration services to devote available budgets to other enforcement goals, such as investigations of special interest alien smuggling networks/routes, rather than to the administrative cost of transporting illegal aliens. In our Country Team's unanimous opinion, Project 057 is a powerful tool for enforcement, deterrence, and cooperation that demonstrates tangible U.S. support to our allies in this war. There also are additional compelling budgetary reasons to reinstate Project 057.

Saving Taxpayers Money

19. Interdictions of trafficked/smuggled migrants and other intending illegal migrants outside the U.S. significantly reduces budgetary costs to the U.S. The specific travel costs to return removable migrants from the U.S. or a country in the region are essentially the same, notwithstanding occasionally higher airfares resulting from the requirement for indirect routings avoiding U.S. territory when returning a TCN from another Latin American country. Even in the absence of accepted estimates of the actual costs to DHS/ICE of apprehending, detaining, and removing TCNs once in the U.S., it is still possible to estimate the potential budgetary savings that Project 057 can make to U.S. interdiction operations. Using DHS/ICE's own estimated cost figures from the 1990s and not accounting for inflation, Post believes that total processing costs (apprehension, detention, litigation, and return costs) conservatively approach approximately USD 30,000 per alien. According to available Project 057 data, from FY91 through FY97 Project 057 expended about USD 2 million. Based on this data, Post estimates that the return for each USD 1 invested in the program is between USD 12 and USD 18. This financial windfall is a compelling fiduciary reason to renew the program and save U.S. taxpayers significant outlays.

Background on Project 057

10. The Third Country National Return Program (Project 057) began operations at Embassy Mexico City in April 1991. This program evolved from Binational Commission Working Group discussions in 1990. Former U.S. INS Commissioner Gene McNary responded favorably to a request from Mexican Undersecretary of Government, Miguel Limon Rojas, for financial assistance in sustaining the Government of Mexico's (GOM) enforcement efforts against TCN migrants and traffickers/smugglers. These individuals used Mexican territory for illegal entry to the United States. In February 1991, the Senate and House Appropriations Committee authorized the reprogramming of USD 350,000 from USINS detention and deportation funds to permit financial support of select repatriations from Mexico during FY91.

11. Project 057 received strong support from the Appropriations Committees and from INS Headquarters each year, except for an interruption in funding for FY94. In FY97, Project 057 was expanded to support other cooperating governments in the Western Hemisphere. Numerous other procedural and policy changes have occurred over the years

including:

- Authorization to use Project 057 resources to repatriate nationals of the Peoples Republic of China,
- Authorization to fund escort officers of the cooperating country migration and police services, and
- The requirement for collection of more detailed information on each migrant detained for repatriation support.

112. Funding for Project 057 ended at the end of FY04. DHS/ICE's rationale was apparently budget constraints and questions about the value of the program.

A Call to Reinstate Funding for Project 057

113. COMMENT AND ACTION REQUEST: Post strongly urges DHS/ICE reconsider its decision against funding Project 057 and to reinstate funding as soon as possible. Post believes Project 057 is a cost-effective program that directly advances U.S. homeland security priorities by disrupting the alien smuggling operations of international criminal syndicates. This program makes it harder for undocumented TCNs to reach the U.S. illegally and disrupts potential terrorists infiltration routes to the U.S. through the region. In addition, it also demonstrates that the U.S. is a responsive partner that shares Latin American concerns about joint efforts to combat alien smuggling and trafficking in persons. Absent funding for Project 057, TCNs, including special interest aliens, have an easier time reaching the U.S. illegally. Finally, our regional partners point out that the U.S. is, in effect, cost-shifting an unfunded mandate to their impoverished immigration services to repatriate these U.S.-bound interdicted illegal aliens. Restarting Project 057 will help address all these issues and is a cost-effective way to make our homeland more secure. END COMMENT AND ACTION REQUEST.

Pierce